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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|                        |                |
|------------------------|----------------|
| Application Number     | 10/662,000     |
| Filing Date            | 09/12/2003     |
| First Named Inventor   | Chanduszko     |
| Art Unit               | 3661           |
| Examiner Name          |                |
| Attorney Docket Number | 106586-185 US1 |

Total Number of Pages in This Submission

**ENCLOSURES (Check all that apply)**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>- Postcard |
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**Remarks**

1. Form PTO-1449
2. 124 Patent Publications

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |                   |
|-------------------------|-------------------|
| Firm or Individual name | Michael A. Diener |
| Signature               |                   |
| Date                    | 6-24-04           |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Andrzej J. Chanduszko  
Serial No.: 10/662,000  
Filing Date: September 12, 2003  
Title: PFO Closure Device with Flexible Thrombogenic Joint and Improved Dislodgement Resistance  
Examiner: Unknown  
Group Art Unit: 3661  
Attorney Docket No.: 106586.185 US1

**CERTIFICATE UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Jody Begley  
Jody Begley

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §1.97, Applicant hereby makes of record the publications listed on the attached Form PTO-1449 and enclose copies herewith.

It is respectfully requested that the information above be expressly considered during the prosecution of this application and that the publications be made of record therein and appear among the "References Cited" on any patent to issue therefrom. In this regard, it is requested that the Examiner initial and return a copy of the enclosed Form PTO-1449 with the next Patent Office Communication.

This submission does not represent that a search has been made and does not constitute an admission that the listed publications are material to patentability or that the listed publications are prior art.

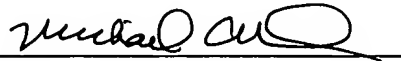
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed publications should the publications be applied against the claims of the present application.

It is Applicant's belief that the filing of this Information Disclosure Statement precedes the date of the mailing of the first Office Action on its merits, therefore, pursuant to 37 C.F.R. §1.97(b)(3), no fee is believed to be due.

In the event a fee is due, the Commissioner is authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 08-0219.

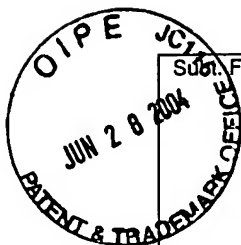
Respectfully submitted,

Dated: 6-24-04



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Sub. For, PTO-1449

# INFORMATION DISCLOSURE IN AN APPLICATION

(Use several sheets if necessary)

Docket Number  
106586.185 US1

Application Number  
10/662,000

Applicant  
Andrzej J. Chandusko

Filing Date  
09/12/2003

Group Art Unit  
3661

Sheet 1 OF 5

## U.S. Patent Documents

| EXAMINER<br>INITIAL | DOCUMENT<br>NUMBER | DATE       | NAME              | CLASS | SUB-<br>CLASS | FILING DATE<br>IF<br>APPROPRIATE |
|---------------------|--------------------|------------|-------------------|-------|---------------|----------------------------------|
|                     | 3,874,388          | 04/01/1975 | King et al.       | 128   | 334           |                                  |
|                     | 3,875,648          | 04/08/1975 | Bone              | 29    | 417           |                                  |
|                     | 4,006,747          | 02/08/1977 | Kronenthal et al. | 128   | 335           |                                  |
|                     | 4,007,743          | 02/15/1997 | Blake             | 128   | 334           |                                  |
|                     | 4,425,908          | 01/17/84   | Simon             | 128   | 1             |                                  |
|                     | 4,696,300          | 09/29/1987 | Anderson          | 128   | 334           |                                  |
|                     | 4,836,204          | 06/06/1989 | Landymore et al.  | 128   | 334           |                                  |
|                     | 4,915,107          | 04/10/1990 | Rebuffat et al.   | 606   | 144           |                                  |
|                     | 5,021,059          | 06/04/1991 | Kensey, et al.    | 606   | 213           |                                  |
|                     | 5,037,433          | 08/06/1991 | Wilk et al.       | 606   | 139           |                                  |
|                     | 5,041,129          | 08/20/1991 | Hayhurst et al.   | 606   | 232           |                                  |
|                     | 5,108,420          | 04/28/1992 | Marks             | 606   | 213           |                                  |
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|                     | 5,236,440          | 08/17/1993 | Hlavacek          | 606   | 219           |                                  |
|                     | 5,257,637          | 11/02/1993 | El Gazayerli      | 128   | 898           |                                  |
|                     | 5,282,827          | 02/01/1994 | Kensey et al.     | 606   | 215           |                                  |
|                     | 5,284,488          | 02/08/1994 | Sideris           | 606   | 213           |                                  |
|                     | 5,304,184          | 04/19/1994 | Hathaway et al.   | 606   | 144           |                                  |
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|                     | 5,334,217          | 08/02/1994 | Das               | 606   | 213           |                                  |
|                     | 5,354,308          | 10/11/1994 | Simon, et al.     | 606   | 198           |                                  |
|                     | 5,411,481          | 05/02/1995 | Allen et al.      | 606   | 144           |                                  |
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|                     | 5,417,699          | 05/23/1995 | Klein et al.      | 606   | 144           |                                  |
|                     | 5,425,744          | 06/20/1995 | Fagan et al.      | 606   | 213           |                                  |
|                     | 5,433,727          | 07/18/1995 | Sideris           | 606   | 213           |                                  |
|                     | 5,451,235          | 09/19/1995 | Lock et al.       | 606   | 213           |                                  |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP § 609: Draw Line through citation if not conformance and not considered. Include copy with next communication to applicant.

|   |          |    |          |  |  |                                  |  |
|---|----------|----|----------|--|--|----------------------------------|--|
| Subt. For, PTO-1449   |          |    |          | Docket Number<br>106586.185 US1            |  | Application Number<br>10/662,000 |  |
| <b>INFORMATION DISCLOSURE<br/>IN AN APPLICATION</b><br><br><i>(Use several sheets if necessary)</i> |          |    |          | Applicant<br><b>Andrzej J. Chanduszeko</b> |  |                                  |  |
|   |          |    |          | Filing Date<br><b>09/12/2003</b>           |  | Group Art Unit<br><b>3661</b>    |  |
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|   |          |    |          |  |  |                                  |  |

| U.S. Patent Documents |                    |            |                   |       |               |                                  |
|-----------------------|--------------------|------------|-------------------|-------|---------------|----------------------------------|
| EXAMINER<br>INITIAL   | DOCUMENT<br>NUMBER | DATE       | NAME              | CLASS | SUB-<br>CLASS | FILING DATE<br>IF<br>APPROPRIATE |
|                       | 5,478,353          | 12/26/1995 | Yoon              | 606   | 213           |                                  |
|                       | 5,507,811          | 04/16/1996 | Koike et al.      | 623   | 11            |                                  |
|                       | 5,540,712          | 07/30/1996 | Kleshinski et al. | 606   | 198           |                                  |
|                       | 5,601,571          | 02/11/1997 | Moss              | 606   | 139           |                                  |
|                       | 5,618,311          | 04/08/1997 | Gryskiewicz       | 606   | 216           |                                  |
|                       | 5,634,936          | 06/03/1997 | Linden et al.     | 606   | 213           |                                  |
|                       | 5,683,411          | 11/04/1997 | Kavteladze et al. | 606   | 200           |                                  |
|                       | 5,702,421          | 12/30/1997 | Schneidt          | 606   | 213           |                                  |
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|                       | 5,720,754          | 02/24/1998 | Middleman et al.  | 606   | 127           |                                  |
|                       | 5,725,552          | 03/10/1998 | Kotula et al.     | 606   | 213           |                                  |
|                       | 5,733,294          | 03/31/1998 | Forber et al.     | 606   | 151           |                                  |
|                       | 5,741,297          | 04/21/1998 | Simon             | 606   | 213           |                                  |
|                       | 5,776,162          | 07/07/1998 | Kleshinski        | 606   | 198           |                                  |
|                       | 5,797,960          | 08/25/1998 | Stevens et al.    | 606   | 213           |                                  |
|                       | 5,810,884          | 09/22/1998 | Kim               | 606   | 213           |                                  |
|                       | 5,823,956          | 10/20/1998 | Roth et al.       | 600   | 374           |                                  |
|                       | 5,829,447          | 11/03/1998 | Stevens et al.    | 128   | 898           |                                  |
|                       | 5,855,614          | 01/05/1999 | Stevens et al.    | 623   | 11            |                                  |
|                       | 5,861,003          | 01/19/1999 | Latson et al.     | 606   | 213           |                                  |
|                       | 5,879,366          | 03/09/1999 | Shaw et al.       | 606   | 213           |                                  |
|                       | 5,893,856          | 04/13/1999 | Jacob et al.      | 606   | 151           |                                  |
|                       | 5,902,319          | 05/11/1999 | Daley             | 606   | 219           |                                  |
|                       | 5,904,703          | 05/18/1999 | Gilson            | 606   | 213           |                                  |
|                       | 5,919,200          | 07/06/1999 | Stambaugh et al.  | 606   | 159           |                                  |
|                       | 5,924,424          | 07/20/1999 | Stevens et al.    | 128   | 898           |                                  |
|                       | 5,944,738          | 08/31/1999 | Amplatz et al.    | 606   | 213           |                                  |
|                       | 5,976,174          | 11/02/1999 | Ruiz              | 606   | 213           |                                  |

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|   |          |    |          |   |  |                                  |  |
|---|----------|----|----------|---|--|----------------------------------|--|
| Subt. For, PTO-1449   |          |    |          | Docket Number<br>106586.185 US1           |  | Application Number<br>10/662,000 |  |
| <b>INFORMATION DISCLOSURE<br/>IN AN APPLICATION</b><br><br><i>(Use several sheets if necessary)</i> |          |    |          | Applicant<br><b>Andrzej J. Chanduszko</b> |  |                                  |  |
|   |          |    |          | Filing Date<br><b>09/12/2003</b>          |  | Group Art Unit<br><b>3661</b>    |  |
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| U.S. Patent Documents |                    |            |                     |       |               |                                  |
|-----------------------|--------------------|------------|---------------------|-------|---------------|----------------------------------|
| EXAMINER<br>INITIAL   | DOCUMENT<br>NUMBER | DATE       | NAME                | CLASS | SUB-<br>CLASS | FILING DATE<br>IF<br>APPROPRIATE |
|                       | 5,989,268          | 11/23/1999 | Pugsley, Jr. et al. | 606   | 144           |                                  |
|                       | 5,993,475          | 11/30/1999 | Lin et al.          | 606   | 213           |                                  |
|                       | 6,010,517          | 01/04/2000 | Baccaro             | 606   | 151           |                                  |
|                       | 6,024,756          | 02/15/2000 | Huebsch et al.      | 606   | 213           |                                  |
|                       | 6,056,760          | 05/02/2000 | Koike et al.        | 606   | 148           |                                  |
|                       | 6,077,291          | 06/20/2000 | Das                 | 606   | 213           |                                  |
|                       | 6,079,414          | 06/27/2000 | Roth                | 128   | 898           |                                  |
|                       | 6,080,182          | 06/27/2000 | Shaw et al.         | 606   | 213           |                                  |
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|                       | 6,117,159          | 09/12/2000 | Huebsch et al.      | 606   | 213           |                                  |
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|                       | 6,165,183          | 12/26/00   | Kuehn, et al.       | 606   | 139           |                                  |
|                       | 6,165,204          | 12/26/2000 | Levinson et al.     | 606   | 232           |                                  |
|                       | 6,171,329          | 01/09/2001 | Shaw et al.         | 606   | 213           |                                  |
|                       | 6,174,322          | 01/16/2001 | Schneidt            | 606   | 213           |                                  |
|                       | 6,206,895          | 03/27/2001 | Levinson            | 606   | 144           |                                  |
|                       | 6,206,907          | 03/27/2001 | Marino et al.       | 606   | 215           |                                  |
|                       | 6,214,029          | 04/10/2001 | Thill et al.        | 606   | 213           |                                  |
|                       | 6,217,590          | 04/17/2001 | Levinson            | 606   | 142           |                                  |
|                       | 6,221,092          | 04/24/2001 | Koike et al.        | 606   | 213           |                                  |
|                       | 6,228,097          | 05/08/2001 | Levinson et al.     | 606   | 142           |                                  |
|                       | 6,245,080          | 06/12/2001 | Levinson            | 606   | 144           |                                  |
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|                       | 6,287,317          | 09/11/2001 | Makower et al.      | 606   | 153           |                                  |
|                       | 6,290,674          | 09/18/2001 | Roue et al.         | 604   | 107           |                                  |
|                       | 6,306,150          | 10/23/2001 | Levinson            | 606   | 158           |                                  |
|                       | 6,312,446          | 11/06/2001 | Huebsch et al.      | 606   | 213           |                                  |

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|---|-----------------|
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| <b>EXAMINER:</b> Initial if citation is considered, whether or not citation is in conformance with MPEP § 609: Draw Line through citation if not conformance and not considered. Include copy with next communication to applicant. |                 |

|   |          |    |          |   |  |   |  |
|---|----------|----|----------|---|--|---|--|
| <b>INFORMATION DISCLOSURE<br/>IN AN APPLICATION</b><br><br><i>(Use several sheets if necessary)</i> |          |    |          | Docket Number<br><b>106586.185 US1</b>    |  | Application Number<br><b>10/662,000</b> |  |
|   |          |    |          | Applicant<br><b>Andrzej J. Chanduszko</b> |  |   |  |
|   |          |    |          | Filing Date<br><b>09/12/2003</b>          |  | Group Art Unit<br><b>3661</b>           |  |
| Sheet   | <b>4</b> | OF | <b>5</b> |   |  |   |  |
|   |          |    |          |   |  |   |  |

| U.S. Patent Documents |                    |            |                      |       |               |                                  |
|-----------------------|--------------------|------------|----------------------|-------|---------------|----------------------------------|
| EXAMINER<br>INITIAL   | DOCUMENT<br>NUMBER | DATE       | NAME                 | CLASS | SUB-<br>CLASS | FILING DATE<br>IF<br>APPROPRIATE |
|                       | 6,319,263          | 11/20/2001 | Levinson             | 606   | 144           |                                  |
|                       | 6,342,064          | 01/29/2002 | Koike et al.         | 606   | 213           |                                  |
|                       | 6,344,049          | 02/05/2002 | Levinson et al.      | 606   | 200           |                                  |
|                       | 6,348,041          | 02/19/2002 | Klint                | 600   | 585           |                                  |
|                       | 6,352,552          | 03/05/2002 | Levinson et al.      | 623   | 1.15          |                                  |
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|                       | 6,364,853          | 04/02/2002 | French et al.        | 604   | 35            |                                  |
|                       | 6,375,625          | 04/23/2002 | French et al.        | 600   | 573           |                                  |
|                       | 6,375,671          | 04/23/2002 | Kobayashi et al.     | 606   | 213           |                                  |
|                       | 6,379,342          | 04/30/2002 | Levinson             | 604   | 310           |                                  |
|                       | 6,379,368          | 04/30/2002 | Corcoran et al.      | 606   | 153           |                                  |
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|                       | 6,398,796          | 06/04/2002 | Levinson             | 606   | 144           |                                  |
|                       | 6,440,152          | 08/27/2002 | Gainor et al.        | 606   | 213           |                                  |
|                       | 6,460,749          | 10/08/2002 | Levinson et al.      | 227   | 180.1         |                                  |
|                       | 6,488,706          | 12/03/2002 | Solymar              | 623   | 3.1           |                                  |
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|                       | 2001/0049492       | 12/06/01   | Frazier, et al.      | 604   | 104           |                                  |
|                       | 2002/0010481       | 01/24/2002 | Jayaraman            | 606   | 151           |                                  |
|                       | 2002/0183787       | 06/01/2001 | Wahr et al.          | 606   | 213           |                                  |
|                       | 2002/0183786       | 05/30/2001 | Girton               | 606   | 213           |                                  |
|                       | 2002/0129819       | 01/19/02   | Feldman et al        | 128   | 831           |                                  |
|                       | 2002/0099389       | 03/21/2002 | Michler et al.       | 606   | 139           |                                  |
|                       | 2002/0043307       | 04/18/02   | Ishida, et al.       | 148   | 411           |                                  |
|                       | 2002/0032462       | 06/10/1999 | Houser et al.        | 606   | 213           |                                  |
|                       | 2002/0029048       | 08/31/2001 | Miller               | 606   | 138           |                                  |

|   |                 |
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|---|---|----|---|---|--|----------------------------------|--|
| Subt. For, PTO-1449   |   |    |   | Docket Number<br>106586.185 US1           |  | Application Number<br>10/662,000 |  |
| <b>INFORMATION DISCLOSURE<br/>IN AN APPLICATION</b><br><br><i>(Use several sheets if necessary)</i> |   |    |   | Applicant<br><b>Andrzej J. Chanduszko</b> |  |                                  |  |
|   |   |    |   | Filing Date<br>09/12/2003                 |  | Group Art Unit<br>3661           |  |
| Sheet   | 5 | OF | 5 |   |  |                                  |  |
|   |   |    |   |   |  |                                  |  |

| U.S. Patent Documents |                    |            |               |       |               |                                  |
|-----------------------|--------------------|------------|---------------|-------|---------------|----------------------------------|
| EXAMINER<br>INITIAL   | DOCUMENT<br>NUMBER | DATE       | NAME          | CLASS | SUB-<br>CLASS | FILING DATE<br>IF<br>APPROPRIATE |
|                       | 2002/0077555       | 06/20/02   | Schwartz      | 600   | 486           |                                  |
|                       | 2003/0059640       | 03/27/2003 | Marton et al. | 428   | 544           |                                  |

| Foreign Patent Documents |                    |            |         |       |          |             |    |
|--------------------------|--------------------|------------|---------|-------|----------|-------------|----|
| EXAMINER<br>INITIAL      | DOCUMENT<br>NUMBER | DATE       | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|                          |                    |            |         |       |          | YES         | NO |
|                          | WO 00/27292        | 05/18/2000 | PCT     | A61B  | 17/08    |             |    |
|                          | WO 01/49185        | 07/12/01   | PCT     | A61B  | 17/00    |             |    |
|                          | EP 1 013 227       | 06/28/00   | EP      | A61B  | 17/00    |             |    |
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|                          |                    |            |         |       |          |             |    |

| Other Documents (Including Author, Title, Date Pertinent Pages, Etc.) |  |  |
|---|--|--|
| A1  | Nat'l Aeronautics and Space Administration, "55-Nitinol – The Alloy with a Memory: Its Physical Metallurgy, Properties, and Applications," A Report, pgs. 24-25                                  |  |
| A2  | Kimura, A., et al., "Effects of Neutron Irradiation on the Transformation Behavior in Ti-Ni Alloys," Abstract, Proceedings of the Int'l Conf. On Martensitic Transformations (1992) pgs. 935-940 |  |
| A3  | Ramanathan, G., et al., "Experimental and Computational Methods for Shape Memory Alloys," 15 <sup>th</sup> ASCE Engineering Mechanics Conf., June 2-5, 2003                                      |  |
| A4  | Shabalovskaya, S., "Surface, corrosion and biocompatibility aspects of Nitinol as an implant material," Bio-Medical materials and Engineering, (2002) Vol. 12, pgs. 69-109                       |  |
| A5  | Uchil, J. "Shape Memory Alloys – Characterization Techniques," Pramana – Journal of Physics, (2002) Vol. 58, Nos. 5 & 6, pgs. 1131-1139  |  |

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| EXAMINER  | DATE CONSIDERED |
| <b>EXAMINER:</b> Initial if citation is considered, whether or not citation is in conformance with MPEP § 609: Draw Line through citation if not conformance and not considered. Include copy with next communication to applicant. |                 |